

REMARKS

The Office Action dated March 15, 2007 has been received and carefully studied.

By the accompanying amendment, the first paragraph of the specification has been amended to recite that this application is a §371 of PCT/JP04/00535 filed January 22, 2004, and claims priority of Japanese Patent Application 2003-017537, filed January 27, 2003.

Also by the accompanying amendment, claims 1-7 are cancelled without prejudice to filing divisional applications with respect thereto.

The Examiner rejects claims 7 and 8 under 35 U.S.C. §102(b) as being anticipated by Santo et al., JP 2000-211239.

The rejection is respectfully traversed.

Santo discloses diimonium compounds represented by the formula II, and recites trifluoromethanesulfonate as one of many anions in paragraph [0027]. Sugimachi also is cited as reciting trifluoromethanesulfonate as an anion. However, Santo does not explicitly disclose any of the compounds recited in claim 8 having a counter ion of trifluoromethanesulfonate.

As set forth in MPEP §2132.02, when a compound is not specifically named, but instead it is necessary to select portions of teachings within a reference and combine them, anticipation can only be found if the classes of substituents are sufficiently limited or well delineated. This is not the case in Santo; the generic formula II of Santo encompasses numerous compounds, and numerous choices for the anion "X" are also

disclosed. Accordingly, the compounds set forth in the instant claim 8 cannot be "at once envisaged" from Santo. *In re Petering*, 133 U.S.P.Q. 275 (CCPA 1962).

The Examiner also rejects claims 7 and 8 under 35 U.S.C. §103(a) as being obvious over Santo et al.

The rejection is respectfully traversed.

As stated in the instant specification, the present invention aims to obtain an effect which could not be obtained by the traditional diimonium salt compounds. That is, the inventors found that a combination of a specific diimonium compound and a specific counter ion, i.e., trifluoromethanesulfonate ion, has a higher molar absorption coefficient and excellent stability in heat resistance compared with traditional compounds.

While Santo discloses diimonium compounds represented by formula II, as recited in paragraph [0016], R1 to R8 of the formula II includes an enormous range and number of compounds, as mentioned above. Also, the possible counter ions recited include a large number of compounds (paragraph [0027]), thereby even further expanding the number of diimonium compounds and counter ions. Santo discloses more concrete examples of R1 to R8 (paragraphs [0018] to [0024] and [0049] to [0054]), and the effect derived by defining the type and carbon numbers thereof to more specific ones is only briefly mentioned with respect to solubility (paragraphs [0049] and [0050]) and to stability (paragraph [0052]). There is no suggesting leading to the instant compounds as claimed, nor is there any suggestion that any advantageous effect can be obtained by combining the specific

diimonium compounds claimed with the specific counter ion claimed.

As is apparent from Table 8 of the instant specification, the advantageous effects of the claimed invention can be obtained by selecting a specific group as R1 to R8 in formula (6), and further specifying the counter ion to be trifluoromethanesulfonate ion. In Table 8, Comparative Examples 3 and 4 respectively relate to hexafluorophosphate and fluoroborate as the counter ion, both of which are listed in paragraph [0027] of Santo as one of many possible counter ions. However, as is apparent from the data in Table 8 (heat-resistance stability test), the difference between the initial b* value and the b* value after 14 days for the trifluoromethanesulfonate of Examples 8 and 10 are 2.8 and 1.3, respectively. In contrast, the difference in the initial b* value and the b* value after 14 days for Comparative Examples 3 and 4 are 6.1 and 10.8, respectively. This surprising and unexpected result is nowhere disclosed or suggested by Santo.

Although Sugimachi was only cited as evidence that trifluoromethanesulfonate is a known anion, it will be discussed for purposes of completeness.

In Sugimachi, the trifluoromethanesulfonate ion is merely recited among a large list including halogen ions, inorganic ions, organic carboxylic acid ions, and organic sulfonic acid ions (paragraph [0045]). Further, in the same paragraph, Sugimachi describes that as Y²⁻, a specific compound, i.e., aromatic disulfonic acid having two sulfonic acid groups in a


molecule is particularly preferable, and as the example thereof, it explicitly describes naphthalenedisulfonic acid derivatives such as naphthalene-1,5-disulfonic acid.

On the other hand, as stated in the specification ("Background Art" and Table 7), the present invention is accomplished by finding a specific counter ion that provides an advantageous effect, which cannot be obtained by naphthalenedisulfonic acid derivatives described as preferable ones in Sugimachi. Thus, the present invention is clearly distinct from Sugimachi. In Table 7, the counter ion of Comparative Example 1 is naphthalene-1,5-disulfonic acid, which is listed as a particularly preferable one. The molar absorption coefficient of the naphthalene-1,5-disulfonic acid salt is about 25% lower than that of the trifluoromethanesulfonate salt of Example 6. Accordingly, the advantageous effects of the present invention cannot be predicted from Sugimachi.

The Examiner again states the undersigned "admitted that all subject matters in claim 8 are within one invention, and they are obvious among the subject matters". However, the undersigned again vehemently denies making any such admission.

Reconsideration and allowance are respectfully requested in view of the foregoing.

Respectfully submitted,


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